

## **REMARKS**

Responsive to the Office Action dated December 21, 2004 and received in the above referenced patent application, claims 1-8 have been amended, claims 9-24 have been cancelled without prejudice, and claims 25-37 have been added such that claims 1-8 and 25-37 remain pending in this application. No new matter has been added by this amendment. Applicant respectfully requests reconsideration of the pending claims in view of the above amendments and the following remarks.

Claims 1-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,999,908 to Abelow (“Abelow”) in view of EP 0 365 200 A3 to Majmudar et al. (“Majmudar”).

Software-based systems and related products have become increasingly complicated, with various features becoming available to users of various different types of devices. As described in the background section of Applicant’s specification, a user may not necessarily want the full level of functions that may be available. This may result from a perceived need to pay for functions that are not believed necessary at the initial time of purchase. (See, *e.g.*, Applicant’s specification, page 2, lines 22-32). Also, providing access to all features at the outset of usage may be confusing to the user, who may only need or want to invoke basic functions at that time.

Applicant’s claimed invention improves upon existing provision of software components by initially providing a subset of components and then alerting the user to additional components based upon usage data patterns. Specifically, this is accommodated by initially providing a subset of software components from a predefined set of such components, collecting and analyzing usage data to identify a usage data pattern, then identifying a software component from

the predefined set based upon the identified usage data pattern, and alerting the user as to the availability of the identified software.

Referring first to claim 1, recited therein is *[a] computer implemented and user interactive method of controlling provision of software components from a set of software components, wherein composition of the set is predefined and each software component thereof provides a distinct functionality, the method comprising:*

*providing a computer system with a subset of software components from said set of software components;*

*collecting usage data describing user interaction with the subset of software components;*

*analysing said usage data so as to identify a usage data pattern;*

*identifying a software component from the set based on said identified usage data pattern and predetermined rules specifying a relationship between usage of a first software component and selection of a second, different, software component, both said components being within said predefined set of software components; and*

*alerting the user to an availability of said identified software component, wherein said identified component is not within the subset of software components.*

These claimed features are neither disclosed nor suggested by Abelow or Majmudar, when taken alone or in combination.

Abelow discloses a “Customer-Based Product Design Module” that accommodates interactive communications with customers pursuant to building relationships with customers or groups of customers. Abelow purports to provide an invention through which customers may be provided with automatic access to constantly updated information during product use, through interaction with customers to gather information. Although Abelow describes the collection of data indicative of the user/customer’s preferences, Abelow uses the collected data to design products in dependence on user feedback (*Id.*, at col. 71, lines 5-7), which is how the system enables the products to evolve in a customer-focused manner (*Id.*, at col. 71, lines 19-22).

While Abelow may be useful for product evolution based upon the improved communication of user preferences, it quite clearly fails to disclose or suggest various features recited in Applicant's amended claim 1. For example, Abelow does not disclose collecting and analyzing usage data that describes user interaction with a subset of (a predefined set of) software components to identify a usage data pattern. Nor does Abelow identify a software component based on the identified usage data pattern. Furthermore, Abelow clearly does not use predetermined rules specifying a relationship between usage of a first software component and selection of a second, different, software component, both said components being within a predefined set of software components. Again, Abelow accommodates introduction of new features based upon received customer preferences, which clearly differs from the introduction of a component from a predefined set of components based upon a usage data pattern and predetermined rules that specify the relationship between a previously established component and an introduced component.

While Applicant appreciates that there may be various embodiments in Abelow as suggested by the Examiner, Applicant respectfully submits that none of the various passages in Abelow cited by the Examiner disclose the features that Applicant has noted as being absent from the reference. Rather, these passages seem to merely restate forms of interaction with the consumer that may be provided in the Abelow product, in support of the collection of information and corresponding delivery of product improvements. These features of Abelow should not be confused with the introduction of a software component from a predefined set of components based upon an identified usage pattern and predefined rules that specify a relationship between the usage of an existing component and selection of the introduced component, as claimed by Applicant.

First, the statement said to be contained on column 10, line 15 to column 12, line 54 and column 18, lines 1-62 of Abelow, reproduced at the top of page 3 of the Action, does not appear in the noted passages. Applicant would appreciate a more specific reference to the Abelow specification with regard to this passage.

Nor do the remaining cited passages describe the above-described features of Applicant's claimed invention. Column 10, lines 10-15 of Abelow seems to merely indicate that e-mail may be used to convey additional online services. Column 9, lines 38-40 merely says that the "CB-PD Module" operates while the customer is using the product. This seems to suggest that the communication between the customer and other entities during use accommodates an improved working relationship, and also fails to disclose identification of a usage pattern pursuant to introducing a new software component in the fashion claimed by Applicant. Finally, regarding column 17, line 52 to column 18, line 37 and column 19, line 28 to column 20, line 27, the offered passage merely restates that Abelow can upgrade products while they are in the hands of customers.

While these passages repeatedly illustrate how Abelow accommodates improved interaction with and receipt of feedback from customers, both in terms of convenience and the immediacy with which information is shared, Abelow quite clearly fails to disclose, among other things, the introduction of a component from a predefined set of components based upon analysis of usage data to identify a usage data pattern, and predetermined rules that specify the relationship between a previously established component and introduced component. Accordingly, there are various features recited in Applicant's claim 1 that are clearly absent from (and not suggested by) Abelow.

Nor does Majmudar remedy the deficiencies of Abelow. Majmudar discloses subscriber controlled feature modification. A user accesses a subscriber terminal that may include a touch screen display. The user may then select from a list of features. Selection of a particular feature accommodates transmission of a corresponding software package to the terminal. There is absolutely no disclosure in Majmudar of the collection of usage data describing interaction with an existing subset of software components; analyzing that data to identify a usage data pattern; identifying a software component from a predefined set based upon the usage data pattern and predetermined rules specifying a relationship between first and second software components, and alerting the user as to the availability of the identified software component as claimed by Applicant.

Accordingly, Applicant submits that claim 1, and, for similar reasons, independent claims 26, 27, 33 and 36 are neither disclosed nor suggested by Abelow and/or Majmudar, when taken alone or in any combination, and respectfully requests reconsideration of those claims.

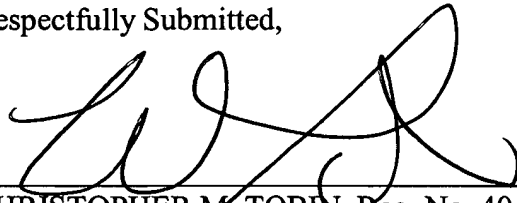
Applicant also submits that dependent claims 2-8, 25, 28-32, and 34-35 are distinct from Abelow and/or Majmudar for incorporating the features of their respective independent claims, and for the features separately recited therein. With regard to the assertions in the Action, Applicant submits that the collection of interval and statistical data (claims 2 and 3) in the context of identification of a predefined software component as claimed is absent from the references. There is also clearly no disclosure or suggestion of the collection of demographic or geographic data (claims 4 and 5), determination that a threshold has been satisfied (claim 6), or application of a fuzzy algorithm to determined whether the data pattern can be identified (claim 7).

For the foregoing reasons, Applicant requests reconsideration and withdrawal of the rejection of claims, and allowance of the claims that remain pending in the application.

Should the Examiner believe that anything further is desirable to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Date: April 19, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. M. Tobin', written over a horizontal line.

CHRISTOPHER M. TOBIN, Reg. No. 40,290  
COLLIER SHANNON SCOTT, PLLC  
3050 K Street, N.W., Suite 400  
Washington, D.C. 20007  
(202) 342-8508